

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL RAILROAD PASSENGER CORPORATION,

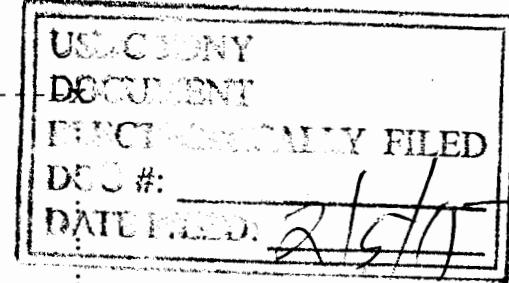
Plaintiff,

-v-

ARCH SPECIALTY INSURANCE COMPANY; :
ASPEN SPECIALTY INSURANCE COMPANY; :
COMMONWEALTH INSURANCE COMPANY; : 14-cv-7510 (JSR)
FEDERAL INSURANCE COMPANY; :
LEXINGTON INSURANCE COMPANY; : ORDER
LIBERTY MUTUAL FIRE INSURANCE COMPANY; :
CERTAIN UNDERWRITERS AT LLOYD'S OF :
LONDON and CERTAIN LONDON MARKET :
COMPANIES Subscribing to Policy Nos. :
507/N11NA08240, 507/N11NA08241, :
507/N11NA08242, 507/N11NA08244, :
507/N11NA08244, 507/N11NA08245 and GEP 2944; :
MAIDEN SPECIALTY INSURANCE COMPANY; :
MAXUM INDEMNITY COMPANY; :
NAVIGATORS INSURANCE COMPANY; :
PARTNER REINSURANCE EUROPE plc; :
RSUI INDEMNITY COMPANY; :
STEADFAST INSURANCE COMPANY; :
TORUS SPECIALTY INSURANCE COMPANY; :
and WESTPORT INSURANCE CORPORATION, :
: Defendants. :
-----x

JED S. RAKOFF, U.S.D.J.

Before the court is the motion of defendant Partner Reinsurance Europe plc ("Partner Re") for joinder or for dismissal pursuant to Rule 12(b)(7). Upon consideration, the Court hereby denies the motion. As indicated at oral argument, however, Partner Re is given leave to file a motion for summary judgment regarding whether plaintiff National Railroad Passenger Corporation ("Amtrak") has a direct right of action against Partner Re. Partner Re's moving



papers are due February 20, 2015; Amtrak's opposition papers are due March 6, 2015; and Partner Re's reply papers are due March 13, 2015.

A Memorandum explaining the reasons for this ruling will issue in due course.

SO ORDERED.

Dated: New York, NY
February 9, 2015



Jed S. Rakoff
JED S. RAKOFF, U.S.D.J.